

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DWAYNE B., by his next friend, John Stempfle;
et al.; for themselves and others
similarly situated,

Hon. Nancy G. Edmunds

Case No. 2:06-CV-13548

Plaintiffs,

v.

JENNIFER GRANHOLM, in her official capacity
as Governor of the State of Michigan, *et al.*,

Defendants.

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

PLEASE TAKE NOTICE:

This Notice may affect you. Please read it carefully.

**TO ALL CHILDREN WHO ARE OR WILL BE IN THE CUSTODY OF MICHIGAN'S
DEPARTMENT OF HUMAN SERVICES ("DHS")
AND TO THE LEGAL REPRESENTATIVES OF THESE CHILDREN:**

This notice concerns a proposed settlement of the class action lawsuit entitled *Dwayne B., et al. v. Granholm, et al.* **If you are one of the children described above, or if you are the legal representative of one or more of these children, then you should read this notice.**

I. Background of the Class Action Lawsuit

This class action lawsuit was filed in August 2006, in the United States District Court for the Eastern District of Michigan, by class representatives alleging to be similarly situated to all children who are or will be in the custody of Michigan's Department of Human Services in in-home or out-of-home placements (together they are called the "Plaintiffs" or the "Class") against the Governor of Michigan, the Director of the Michigan Department of Human Services ("DHS"), the Chief Deputy Director of DHS, and the Deputy Director of DHS' Children's Services, all in their official capacities (together they are called the "Defendants"). This lawsuit alleges that Michigan's child welfare system is failing to adequately protect and provide necessary services to children in the Class in violation of their federal constitutional and statutory rights. This lawsuit seeks only prospective injunctive relief in the form of court-ordered changes to Michigan's foster care child welfare system and does not seek an award of money damages.

Plaintiffs and Defendants have negotiated a proposed class action settlement of the lawsuit that has been set forth in a proposed Settlement Agreement. The parties have asked the federal district judge assigned to the case to approve the Settlement Agreement.

The terms of the Settlement Agreement are described below in Section V. You have the right to review the entire Settlement Agreement if you choose. You also have the right to tell the judge what you think before the judge decides whether to approve the Settlement Agreement.

II. Notice of Hearing

PLEASE NOTE THAT THERE WILL BE A HEARING BEFORE UNITED STATES DISTRICT JUDGE NANCY G. EDMUNDS ON TUESDAY, OCTOBER 7, 2008, AT 10:00 A.M., IN ROOM 226, AT THE THEODORE LEVIN UNITED STATES COURTHOUSE, 231 WEST LAFAYETTE BLVD., DETROIT, MICHIGAN 48226, TO CONSIDER WHETHER THIS SETTLEMENT AGREEMENT SHOULD BE APPROVED, AS PROVIDED BY RULE 23 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

YOU ARE WELCOME TO ATTEND THE HEARING TO PRESENT ANY FAVORABLE COMMENTS OR OBJECTIONS REGARDING THE SETTLEMENT AGREEMENT TO THE JUDGE. YOU ARE NOT, HOWEVER, REQUIRED TO ATTEND THE HEARING OR CONVEY ANY COMMENTS TO THE COURT.

PLEASE ALSO NOTE THAT THIS CASE AND THIS HEARING DO NOT CONCERN ANY INDIVIDUAL CHILD'S CASE, OR ANY CASE INVOLVING THE PARENTS OF CHILDREN IN DHS CUSTODY. THIS CASE AND THE OCTOBER 7, 2008 HEARING CONCERN ONLY THE MICHIGAN CHILD WELFARE SYSTEM AS A WHOLE.

III. How to Obtain Copies of the Settlement Agreement or More Information about the *Dwayne B. Case*.

If you would like a copy of the Settlement Agreement, it is available on the Michigan DHS website at <http://www.michigan.gov/dhs>. If you do not own a computer, you can access one at many local libraries. If a computer is not available, a copy of the Settlement Agreement may be obtained by contacting Plaintiffs' counsel, through Aaron Sussman or Mae Ackerman-Brimberg, at Children's Rights, toll-free at (888) 283-2210.

Any Class member or legal representative of a Class member who has questions about the Settlement Agreement or would like more information about the lawsuit may contact any of the following attorneys:

Contact attorneys for the Plaintiff Class at:

Sara Bartosz, Esq.
Children's Rights Inc.
330 Seventh Avenue, Fourth Floor
New York, NY 10001
(212) 683-2210
(888) 283-2210

Contact attorneys for Defendants at:

P. Rivka Schochet, Esq.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
(313) 496-7636

Please do not call Judge Nancy G. Edmunds or the Clerk of the Court. They will not be able to answer your questions about the class action lawsuit or the Settlement Agreement.

You may review the materials that have been filed with the Court in this case, except those filed under seal, by going to the Office of the Clerk of the United States District Court for the Eastern District of Michigan at the Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan 48226. The Clerk's Office is open on business days from 8:30 a.m. to 5:00 p.m. To review materials in the public record in this case, refer to Civil Action Number 2:06-cv-13548.

IV. How to Submit Objections, Support or Comments to the Court, and Request the Opportunity to Speak at the Hearing.

You may submit written objections, support or comments regarding the proposed Settlement Agreement by mailing a letter to the address below. You must include reasonable proof of membership in the Class, and copies of all other papers and/or briefs to be submitted to the Court. Send your letter to Class Counsel at:

Sara M. Bartosz, Esq.
Children's Rights, Inc.
Michigan Class Action Settlement
330 Seventh Avenue, Fourth Floor
New York, NY 10001
(212) 683-2210

In order to be considered by the Court, your letter must be mailed and postmarked no later than SEPTEMBER 5, 2008. You must sign your letter, and must also print your name, address, and telephone number on the letter.

If, in addition to submitting a letter as discussed above, you also would like to speak at the Hearing, please add this request to your letter and briefly describe the content about which you want to speak. In order to be heard by the Court on OCTOBER 7, 2008, you must submit your comments in writing to the above address in the manner provided within the time permitted.

Class Counsel will share your letter with Defendants' counsel and the Court prior to the OCTOBER 7, 2008 Hearing.

Unless otherwise ordered by the Court, any Class member who does not make his/her objection in the manner provided shall be deemed to have waived all objections.

V. The Settlement Agreement

This Settlement, if approved by the Court, will resolve this case without a trial. The Settlement Agreement establishes standards and outcome measures that DHS must meet within

five years or earlier, as set out in the Settlement Agreement and in an Implementation Plan. It also contains specific terms and requirements regarding the following:

- (1) Provisions Relating to Child Protective Services
- (2) Provisions Relating to Safety, Permanency, and Well-Being Outcomes for Children
- (3) Provisions Relating to Permanency, Adoption, Reunification, and Independence
- (4) Provisions Relating to Child Placement with Relatives
- (5) Provisions Relating to Delivery of Medical, Mental Health, and Dental Services
- (6) Provisions Relating to Recruitment of Foster Care and Adoptive Families
- (7) Provisions Relating to Internal DHS Management of Child Welfare Services
- (8) Provisions Relating to Supervisory & Caseworker Caseloads, Training, and Qualifications
- (9) Provisions Relating to DHS Supervision of Private Child-Placing Agencies
- (10) Provisions Relating to DHS Management Information System
- (11) Provisions Relating to the Named Plaintiffs
- (12) The Monitor

An independent monitor has been selected by Plaintiffs and Defendants to review, track, and report to the Court on DHS' compliance with the Settlement Agreement. Former Commissioner of New Jersey's Department of Children and Families and former New Jersey Child Advocate, Kevin Ryan, has been selected as the Monitor.

- (13) Miscellaneous

The parties agree that the Court shall have continuing jurisdiction to enforce the terms of this class action Settlement Agreement and any required implementation plans.

The Settlement Agreement does not constitute an admission by Defendants of any liability or wrongdoing, nor a finding of the validity of any claims in the Class Action, or of any wrongdoing by the Defendants, and shall not be construed as an admission of any fault, liability or wrongdoing by any person.

This Settlement does not affect any person's individual cause(s) of action.

Claims such as those brought in this lawsuit may entitle Plaintiffs' Class Counsel, under certain circumstances, to apply to the Court for its reasonable attorneys' fees and costs. Any such application for reimbursement of fees and expenses of Class Counsel will be reviewed and determined by the Court in accordance with the requirements of Federal Rule of Civil Procedure 23(h).

This Notice Has Been Approved For Distribution By:

The Honorable Nancy G. Edmunds
United States District Court Judge
Eastern District of Michigan